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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/389,557	09/03/1999	SHIGEYUKI SANO	7217/59652	5566

7590 11/19/2003

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EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2672

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DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/389,557

Applicant(s)

SANO ET AL.

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/22/03 has been entered.

Response to Arguments

2. Applicant's arguments filed 09/22/03 have been fully considered but they are not persuasive.

Applicant states Sombroek is silent about judging similarity of alternate actions based on a stored table listing combinations of similarities. After reviewing the Sombroek reference this statement becomes specious. At column 7 lines 36-38 the calculation means 438 is described as being a look-up table. Calculation means 438 determines the speed of the cursor based upon the count supplied by counter 440. Inherently the count is used to address locations in the look-up table to supply a stored value that represents speed.

The claim and the specification do not describe in detail the listing and do not describe how the listing is used to make a judgment of similarity of alternate actions,

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thus, any listing that performs the claimed result will meet the claimed listing.

Sombroek's look up table inherently stores values corresponding to the different speed ranges, V1, V2, V3, etc. The calculating means 438 produces a judgment on the similarity of the alternate actions made by the first and second command means based upon the value stored in the addressed location in the look up table corresponding to the count.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sombroek, EP 0 631 223 A1. Sombroek at column 5 lines 37-43 describes continuing the shifting of the speed of the cursor. Sombroek describes on column 4 lines 6-9 a joystick used as a user interface tool. At column 4 lines 36-49 Sombroek describes how the cursor is moved at one speed for a first time period and then accelerates to a second speed after the first time period has elapsed. The joystick corresponds to the claimed first and second command means because the joystick supplies at least four signals indicative of left, right, up, and down movement commands. Note figure 4 and pressure sensitive resistors 402-408. Thus, movement of the joystick by the user,

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indicative of left, right, up, and down, is judged by 304 and 306 as being similar types of input irregardless of direction (column 7 line 45 to column 8 line 7) causing the speed of the cursor to increase as the command means 402-408 in aggregation continuously produces an output within a first time period.

A detailed analysis of the claims follows.

Claim 1:

Sombroek teaches a control apparatus (*see figure 4*) having a first command means to control at an initial speed a first parameter (*the left and right signals of the joystick are generated by a first command means*) and a second command means to control at an initial speed a second parameter (*the up and down signals of the joystick are generated by a second command means*), said control apparatus comprising: means for increasing at a predetermined speed one of said first and second parameters when one of said first and second command means is activated continuously (*At column 4 lines 36-49 Sombroek describes how the cursor is moved at one speed for a first time period and then accelerates to a second speed after the first time period has elapsed. Movement of the joystick by the user, indicative of left, right, up, and down, is judged by 304 and 306 as being similar types of input irregardless of direction (column 7 line 45 to column 8 line 7) causing the speed of the cursor to increase as the command means*

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402-408 in aggregation continuously produces an output within a first time period.);

means for storing a table listing combinations of similarities (*column 7 lines 36-38*

the calculation means 438 is described as being a look-up table);

means for judging similarity of alternate actions made by said first and second

command means based on said table listing combinations of similarities (*Converter*

304 and processor 306 determines if the left, right, up, and

down signals from pressure sensitive resistors 402-408 as being

similar types of input irregardless of direction (column 7 line

45 to column 8 line 7) since the outputs of pressure sensitive

resistors 402-408 are tied together at node 412 column 6 lines

50-51 and their outputs are applied to converter 304. Sombroek's

look up table inherently stores values corresponding to the

different speed ranges, V1, V2, V3, etc. The calculating means

438 produces a judgment on the similarity of the alternate

actions made by the first and second command means based upon

the valued stored in the addressed location in the look up table

corresponding to the count.); and

means for continuing said predetermined speed of increase when one of said first and

second command means is deactivated while one of said first and second command

means is activated after said similarity is found by said means for judging similarity (*At*

column 5 lines 41-44 Sombroek describes increasing the speed

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from v1 to v2 to v3 to etc. At column 8 lines 2-7 Sombroek describes continuing to increase the speed after similarity has been determined.) and for returning to said initial speed when said similarity is not found (When the joystick is returned by the user to the center position, the speed of the cursor is returned to zero, column 5 lines 29-35.).

Claim 9:

This claim is a method version of claim 1 and claims the same functions that claim 1 claims. This claim is rejected for the reasons given for claim 1.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier
Primary Examiner
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